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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,210	03/31/2004	Craig Ardner Swearingen	AUS920030808US1	9510
35525	7590	09/16/2008	EXAMINER	
IBM CORP (YA)			SHAW, PEILING ANDY	
C/O YEE & ASSOCIATES PC			ART UNIT	
P.O. BOX 802333			PAPER NUMBER	
DALLAS, TX 75380			2144	
NOTIFICATION DATE		DELIVERY MODE		
09/16/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

[ptonotifs@yeeiplaw.com](mailto:ptonotifs@yeeiplaw.com)

<b>Office Action Summary</b> (For use in the First Action Interview Pilot Program)	Application No.	Applicant(s)
	10/815,210	SWEARINGEN ET AL.
	Examiner PELING A. SHAW	Art Unit 2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ONE MONTH OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

This time period for reply is extendable under 37 CFR 1.136(a) for only ONE additional MONTH. This communication constitutes notice under 37 CFR 1.136(a)(1)(i).

Applicant's request to not have a first-action interview is acknowledged.

#### Status

- 1) Responsive to communication(s) filed on 31 July 2008 and interview conducted on 8 September 2008.
- 2) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 3) Claim(s) 1, 6 and 11 is/are pending in the application.
  - 3a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 4) Claim(s) \_\_\_\_\_ is/are allowed.
- 5) Claim(s) 1, 6 and 11 is/are rejected.
- 6) Claim(s) \_\_\_\_\_ is/are objected to.
- 7) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 8) The specification is objected to by the Examiner.
- 9) The drawing(s) filed on 31 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 10) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 11) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

#### Contact Information

Examiner's Telephone Number: (571)272-7968

Examiner's Typical Work Schedule: M-F 8:00 - 4:00

Supervisor's Name: William C. Vaughn

Supervisor's Telephone Number: (571)272-3922

#### Attachment(s)

- |  |  |
|--|--|
| <ol style="list-style-type: none"> <li>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br/>Paper No(s)/Mail Date _____.</li> </ol> | <ol style="list-style-type: none"> <li>4)<input checked="" type="checkbox"/> Interview Summary (PTO-413)<br/>Paper No(s)/Mail Date. <u>20080909</u></li> <li>5)<input type="checkbox"/> Notice of Informal Patent Application</li> <li>6)<input type="checkbox"/> Other: _____.</li> </ol> |
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<b>Office Action Summary</b>			<b>Application No.</b>	<b>Applicant(s)</b>			
			10815210	SWEARINGEN ET AL.			
<b>Examiner</b>			<b>Art Unit</b>	<b>Page 2 of 2</b>			
<b>Notification of Rejection(s) and/or Objection(s)</b>							
#	Claim(s)	Reference(s) (if applicable)	Rejection Statutory Basis	<b>Brief Explanation of Rejection</b>			
1	6		101	Claim 6 recites "computer readable medium" which can be a transmission-type media, such as digital or analog communication links as per lines 7-19 on page 25 of applicant's original specification. That is not conforming 35 U.S.C. 101.			
2	11		101	Claim 11 recites "apparatus" and "means for ..." without specific hardware references. Compared with claim 6 language, there is no significant difference. It is the evidence that the apparatus is either a hybrid or software per se.			
3	1, 6 and 11	B	103	Claim 1, 6 and 11 (column 1, lines 53-59: logon status, buddy lists; column 3, lines 48-63: block status code "none", "none except", inclusion list, ;			
		A	103	B does not disclose "in response to receiving ..., displaying indicating ...), A disclosed (Fig. 3-4column 7, lines 15-37) an open mode is used to display an awareness of other works in proximity for video conference on a computer browser.			
<b>Expanded Discussion/Commentary</b>							
2		This is not conforming 35 U.S.C. 101.					
3		column 4, lines 37-44: chat room, instant message; Fig. 5, column 4, lines 54-63: display on list of buddies; column 5, lines 16-22: block all with "none" in permissions list table, Buddy Chat Invitation; column 5, lines 23-31: allow only the members below, inclusion list, Buddy Chat Invitation;column 5, lines 10-40: block status code for allow a Buddy Chat Invitation; Fig. 10, column 6, lines 18-35: send invitation.					
<b>DATE:</b>	9/10/2008						